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“Nothing is more dreaded than the national government meddling with religion.”
John Adams

AACS Submits Public Comments for Proposed Title IX Regulations

The AACCS submitted public comments for the [proposed Title IX regulations](#) which seek to redefine the word *sex* in this case for purposes of athletic competition for schools which receive federal funding. [Title IX](#) is the 1973 law which “prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.” A main purpose of Title IX when it was passed was to provide safe and equal access for females in athletic competition. The proposed regulation, published by the U.S. Department of Education (DOE), seeks to ensure that discrimination against *sex* includes gender identity and sexual orientation, and, in so doing, will force schools to allow students to participate in sports based on their gender identity rather than biological sex. According to the regulations, schools receiving federal funds may limit sports to students’ biological sex only if the limitation is “substantially related to the achievement of an important educational objective” and the school takes steps to “minimize harms” to students who identify as transgender.

The [AACCS comments](#) urged the DOE to withdraw the proposed rule, offering a thorough explanation of how it will negatively impact girls’ opportunities and safety in sports and also infringe on the First Amendment protections of Christian higher education institutions. While noting that Title IX does include a religious exemption, the comments state that the “proposal infringes upon the religious freedom the First Amendment grants to all Americans by forcing Christian schools and colleges to either adopt policies for their athletic teams that are antithetical to their Christian beliefs or deny their athletes the opportunity to compete against Title IX schools.” A recent case involving [Mid Vermont Christian School](#) is a prime example of how a Christian school would face discrimination for adhering to a biblically based policy. Regarding the effect on girls’ sports, the AACCS comments explain, “Despite the Department’s rhetoric, sex and gender identity are not synonymous, and protecting gender identity at the expense of sex results in substantial harms to women and girls who are forced to unfairly compete against men who have a biological advantage over them.” The comments also express concern that the new interpretation of *sex* in the proposed regulations is inconsistent with the original intent of Title IX. Pointing to the historical context in which Title IX was passed and the regulations approved by Congress, the AACCS points out that only Congress has the authority to make the proposed changes which would allow male participation in female sports. Furthermore, the AACCS comments explain that the Supreme Court decision in *Bostock v. Clayton County*, a ruling which the DOE uses to justify their interpretation of *sex* to include gender identity and sexual orientation, was limited to an employment context (Title VII) and also made the distinction between *sex*, *gender identity*, and *sexual orientation*. The comments conclude that the DOE is “attempting to thread the needle between advancing the administration’s LGBT agenda and answering accusations of unfairness in women’s sports programs that allow transgender competition”; additionally, it “provides no discernable legal standard for what policies would be deemed legal or illegal; [and] illegally fails to consider the impact it would have on Christian and other religious schools.” The AACCS urged the DOE to withdraw the proposed rule.

House Oversight Committee Warns of Potential Student Loan Forgiveness Fraud

Some Republican Members of Congress have sent a letter to Secretary of Education Miguel Cardona, warning of the potential for massive amounts of fraud in the Biden administration's latest plan to offer student loan forgiveness. Federal student loan payments were paused in March 2020, and borrowers must resume payments by the end of August 2023. Some borrowers are on an income-driven relief plan, a plan that bases a borrower's payments on his income. For these borrowers, the Department of Education (DOE) has relaxed the requirement to verify income; instead of providing tax documents to prove income, borrowers can now self-report their income. In the [letter](#), Rep. James Comer (Chairman of the Oversight Committee), Rep. Virginia Foxx (Chairman of the Committee on Education and the Workforce), and Rep. Pete Sessions (Chairman of the Subcommittee on Government Operations and the Federal Workforce) questioned the legality and practicality of this plan, and expressed "grave concerns" about "the extent to which the Department [of Education] is leaving taxpayers vulnerable to waste, fraud, and abuse." The letter refers to other self-certified relief programs, like the Paycheck Protection Program, which experienced significant amounts of fraud. The letter [demanded answers](#) to why the DOE "is taking actions that make hardworking taxpayers liable when student loan borrowers misrepresent their income." The letter also requested a briefing with the Department to discuss these issues.

Federal Court Rules in Favor of California Churches

A ruling by a federal court has ensured that California churches will not be forced to pay for abortions. The case began in 2014, when the California Department of Managed Health Care (DMHC) issued a mandate that required churches to include abortion coverage in their health insurance plans, violating their moral beliefs. In 2015 and 2016, two lawsuits were brought by four churches, represented by Alliance Defending Freedom. ADF [discovered emails](#) which showed that the CA mandate was in response to pressure from the abortion giant Planned Parenthood. The emails revealed that Planned Parenthood demanded that the DMHC create a "fix" requiring religious organizations to include abortion coverage, or else they would promote their own legislative solution. A federal district court ruled in August 2022 that the mandate was unconstitutional, and on May 12, 2023, the state of California was ordered to pay the churches involved in the lawsuit \$1.4 million in legal fees. Speaking on behalf of the churches and ADF, [Jeremiah Galus](#) said, "The government can't force a church or any other religious employer to violate their faith and conscience by participating in funding abortion. For years, California officials, in collaboration with Planned Parenthood, have unconstitutionally targeted faith-based organizations." The Director of the ADF Center for Christian Ministries, [Erik Stanley](#) added, "No state agency anywhere has the right to demand that church health insurance plans contain this kind of coverage, which clearly violates these churches' most sincerely held religious beliefs."

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Promise to America's Children](#)

[ADF Video: Respect for Marriage Act: What Church and Ministry Leaders Should Know](#)

[AACCS Executive Director Jeff Walton Weighs in on School Security after Tennessee Tragedy](#)

[If There's "No Such Thing as Someone Else's Child," Who's Responsible for Children's Education?](#)